T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			31-Dec-07	APPL. S. N:	10772767				
To Exami	iner:		QUIETT, CARRAMAH J.	Art Unit	2622				
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68				
SUBJEC	r: Decisio	n on Terminal	Disclaimer(T.D.) filed:						
form para or have a	agraphs i	dentified by the	nis informal memo in your next ee me or the Special Program E	esults as set forth below. If you ag Office action to notify applicant of xaminer. THIS IS AN INFORMAL, i RECORD IN THE APPLICATION FI	the T.D. If you disagree				
olease in	itial, date	and return th	is memo to me. THANK YOU.						
V	The T.D. is PROPER and has been recorded (see 14.23).								
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
	Γ	The TD fee of use of a depo	• • •	ed nor is there any authorization	in the application file for the				
	Г	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
	Γ	d to overcome a non-statutory							
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person w	tho signed the T.D.:						
		is no	ot an attorney "of record" (see	14.29 and 14.29.01).					
		has	failed to state his/her capacity	to sign for the business entity (se	e 14.28).				
		is n	ot recognized as an officer of th	e assignee (see 14.29 & possible	14.29.02).				
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
	<u></u>	The T.D. is no	ot signed (see 14.26 & 14.26.03	3).					
	Ľ	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
			mber of this application (or the number of the patent in reexam or reissue cases being missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
	Γ	The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).							
	Г	Other:			<u> </u>				
	Γ		o request refund (see 14.36). N heck this item.	OTE: If already authorized, credit	refund to deposit account				
I have ap	opropriate	ely notified app	plicant(s) of the status of the Te	erminal Disclaimer filed in this cas	e.				
Ex.Initials: Da			e:		Log Date:				

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination DELUCA ET AL.					
Document Code - DISQ		Internal Doc		cument – DO NOT MAIL				
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPPROVED					
Date Filed : December 10, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Decket Number (Optional)

REJECTION OVER A "PRIOR" PATENT	FN-101-CIP2-US						
In re Application of: Michael J. DeLuca, et al.							
Application No.: 10/772,767							
Filed: February 4, 2004							
For: OPTIMIZED PERFORMANCE AND PERFORMANCE FOR RED-EYE FILTER METHOD AND APPARATUS							
The owner*, <u>FOTONATION VISION LIMITED</u> , of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,407,777</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent , "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;							
has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.							
Check either box 1 or 2 below, if appropriate.							
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.							
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
2. The undersigned is an attorney or agent of record. Reg. No. 43219							
/Thomas Van Zandt/ Signature	December 10, 2007 Date						
dignature							
Thomas Van Zandt Typed or printed name							
, per o, por							
	650-558-8814 Telephone Number						
✓ Terminal disclaimer fee under 37 CFR 1.20(d) included.	•						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.							

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.